

FILED	RECEIVED
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COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> MAY 17 2016 </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

Adam P. Segal, Esq.
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF THE
PLUMBERS AND PIPEFITTERS UNION
LOCAL 525 HEALTH AND WELFARE
TRUST AND PLAN; BOARD OF
TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS UNION LOCAL 525
PENSION PLAN; AND BOARD OF
TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS LOCAL UNION 525
APPRENTICE AND JOURNEYMAN
TRAINING TRUST FOR SOUTHERN
NEVADA,

Plaintiffs,

vs.

HAWTHORNE PLUMBING, INC., a
Nevada limited liability company; GREG
HAWTHORNE, an individual,

Defendants.

16-MS-41

STIPULATED/CONSENT JUDGMENT

Hawthorne Plumbing, Inc. ("Employer"), and Greg Hawthorne ("Guarantor") hereby stipulate and consent to entry of judgment in favor of Plaintiffs, the Boards of Trustees of the Plumbers and Pipefitters Union Local 525 Health and Welfare Trust, the Plumbers and Pipefitters Union Local 525 Pension Plan, and the Plumbers and Pipefitters Local Union 525 Apprentice and Journeyman Training Trust for Southern Nevada (collectively "Trust Funds), and against

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1 Employer and Guarantor, jointly and severally, in the total sum of \$656,141 for delinquent
 2 employee benefit contributions and related costs and fees owed under the Employee Retirement
 3 Income Security Act of 1974 ("ERISA").

4 The parties have stipulated and therefore the Court finds:

5 1. Employer is signatory to and bound by the terms of collective bargaining
 6 agreements ("CBAs") with the Plumbers and Pipefitters Union Local 525 ("Union"), in which
 7 Employer agreed to abide by the trust agreements establishing the respective Trust Funds and any
 8 amendments thereto ("Trust Agreements").

9 2. Under the CBAs and the Trust Agreements, Employer is obligated to pay
 10 employee benefit contributions to the Trust Funds on behalf of Employer's bargaining unit
 11 employees represented by the Union.

12 3. Based on an audit reports for the periods of January 1, 2008, through June 30,
 13 2010, and January 1, 2013, through February 28, 2014, and remittance reports prepared and
 14 submitted by Employer for the work months of July 2010 through December 2010, September
 15 2011 through June 2012, August 2012 through December 2012, August 2013 through October
 16 2013 and December 2013 through February 2015, less payments received to date, Employer owes
 17 the Trust Funds \$651,141 in employee benefit contributions, fees, interest and liquidated damages
 18 to date.

19 4. In addition, in the event this judgment must be executed, the Trust Funds will incur
 20 additional fees and costs determined by the parties to be at least \$5,000, which are therefore
 21 included herein.

22 5. This Stipulated/Consent Judgment is entered into by and between Employer and
 23 the Trust Funds for employee benefit contributions and related costs and fees owed to the Trust
 24 Funds by ERISA.

25 ///

26 ///

27 ///

28 ///

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6. Guarantor also agrees to be personally liable for payment of this judgment in the event that Employer defaults or otherwise fails to pay the amounts owed under this Stipulated/Confessed Judgment.

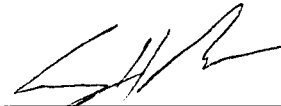
~~March~~ April 10, 2015.

March 10, 2015.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

HAWTHORNE PLUMBING, INC.





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Greg Hawthorne, individually, as Guarantor and on behalf of Employer, Hawthorne Plumbing, Inc.
Address: 4570 W. Post Rd.
Ste 800
Telephone: 702-871-2155
Facsimile: _____

Attorneys for the Trust Funds

JUDGMENT

Judgment is hereby entered against Employer and Guarantor, jointly and severally, and in favor of the Trust Funds in the amount of \$656,141.



RICHARD F. BOULWARE, II
United States District Judge

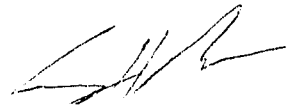
DATED this 25th day of May, 2016.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 North City Parkway, Suite 1600
 Las Vegas, Nevada 89106
 (702) 382-2101

1 STATE OF NEVADA)
) ss.
 2 COUNTY OF CLARK)

3 Greg Hawthorne, being first duly sworn, deposes and says:

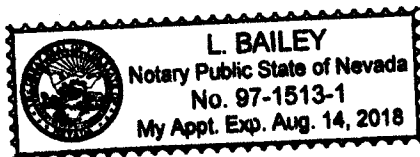
4 That he is the President of Hawthorne Plumbing, Inc., a Nevada corporation, and is
 5 duly authorized to execute this document; that he/she has read the foregoing Stipulated/Consent
 6 Judgment and knows the contents thereof; that the same is true of his/her own knowledge, except
 7 for those matters therein stated on information and belief, and as to those matters he/she believes
 8 them to be true.
 9

10 
 11

12 Affiant

13 Subscribed and sworn to before me
 this 10 day of Apr, 2015.

14 
 15 - NOTARY PUBLIC -



JS 44 (Rev. 11/15)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS BOARD OF TRUSTEES OF THE PLUMBERS
AND PIPEFITTERS UNION LOCAL 525 HEALTH & WELFARE
TRUST & PLAN, PENSION PLAN, & APPRENTICE AND JOURNEYMAN
TRAINING TRUST FOR SOUTHERN NEVADA

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

CHRISTOPHER M. HUMES, ESQ., BROWNSTEIN HYATT FARBER SCHRECK
LLP, 100 N. CITY PKWY, STE. 1600, LAS VEGAS, NV 89106, 702-382-2101

DEFENDANTS

HAWTHORNE PLUMBING, INC., a Nevada limited liability company; GREG
HAWTHORNE, an individual

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

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II. BASIS OF JURISDICTION (Place an "X" in one box only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one box for Plaintiff and one box for Defendant)

Citizen of This State

Citizen of Another State

Citizen or Subject of a
Foreign Country

PTF DEF

☐ 1 ☐ 1

☐ 2 ☐ 2

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IV. NATURE OF SUIT (Place an "X" in one box only)

CONTRACT **TORTS** **FOR**

- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

PERSONAL INJURY

☐ 310 Airplane

☐ 315 Airplane Product Liability

☐ 320 Assault, Libel & Slander

☐ 330 Federal Employers' Liability

☐ 340 Marine

☐ 345 Marine Product Liability

☐ 350 Motor Vehicle

☐ 355 Motor Vehicle Product Liability

☐ 360 Other Personal Injury

☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY

☐ 365 Personal Injury - Product Liability

☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability

☐ 368 Asbestos Personal Injury Product Liability

☐ 370 Other Fraud

☐ 371 Truth in Lending

☐ 380 Other Personal Property Damage

☐ 385 Property Damage Product Liability

☐ 390 Other Personal Property Damage

☐ 395 Property Damage Product Liability

☐ 400 Other Personal Property Damage

☐ 405 Property Damage Product Liability

☐ 410 Other Personal Property Damage

☐ 415 Property Damage Product Liability

☐ 420 Other Personal Property Damage

☐ 425 Property Damage Product Liability

☐ 430 Other Personal Property Damage

☐ 435 Property Damage Product Liability

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☐ 575 Property Damage Product Liability

☐ 580 Other Personal Property Damage

☐ 585 Property Damage Product Liability

☐ 590 Other Personal Property Damage

☐ 595 Property Damage Product Liability

☐ 600 Other Personal Property Damage

☐ 605 Property Damage Product Liability

☐ 610 Other Personal Property Damage

REAL PROPERTY

- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS

- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

- Habeas Corpus:**
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty
- Other:**
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN (Place an "X" in one box only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. § 1132

Brief description of cause:
Suit for the collection of ERISA benefits

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

May 17, 2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

16 MS 041

DUPLICATE

Court Name: District of Nevada
Division: 2
Receipt Number: NVLAS042471
Cashier ID: rtanker
Transaction Date: 05/17/2016
Payer Name: Brownstein Hyatt

MISCELLANEOUS PAPERS

For: Brownstein Hyatt
Amount: \$46.00

CHECK/MONEY ORDER

Remitter: Brownstein Hyatt
Check/Money Order Num: 0239
Amt Tendered: \$46.00

Total Due: \$46.00
Total Tendered: \$46.00
Change Amt: \$0.00

"Only when bank clears the check,
money order, or verifies credit of
funds is the fee or debt officially
paid or discharged. A \$53 fee will
be charged for a returned check."